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THE OPINION



Vol. 25 No. 2

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

September 17, 1984

Sant, Gottlieb Compete for SBA Presidency

by Victor R. Siclari

The Student Bar Association (SBA) will hold its annual elections on Monday, September 17 and Tuesday, September 18. A table will be set up on the second floor outside the Law Library both days. There, law students will have the opportunity to exercise their vote and elect a president, vice president, treasurer, secretary, and eighteen directors, each student selecting six directors for their respective class only.

In order for law students to have a better idea of who the candidates are and what they plan to do if elected, the SBA sponsored a "Meet the Candidates" Forum on Tuesday, September 11, and a Presidential Debate on Wednesday, September 12.

The deadline for submitting petitions to run in the election is not until Friday, September 14, and therefore, the names of all the candidates are unavailable at press time. However, the office of president is being vied for by two candidates, Rich Gottlieb and Rob Sant. Following is some information designed to give students a chance to exercise their vote for president based on an informed choice.

The first candidate (in alphabetical order) is Rich Gottlieb. He has served as a first and second-year director on the SBA, Chairman of the Rules Commit-

tee, and was a member of the Faculty-Student Relations Board. He was also on the Ad Hoc Space Committee which reworked office space allocations for the student organizations.

Gottlieb sees himself as being able to work with anyone who is elected. If elected, he plans to inject more procedure into the functioning of the SBA. "It needs to be a consistent, efficient and well-run organization, unlike the past," said Gottlieb. "The SBA has a problem with purpose. There were too many long-winded debates on issues outside the scope of interest of law school."

Gottlieb sees this as a result of the election of some students who come with one set of goals and who conflict with other students having opposing goals. He also sees this as a result of lack of procedure. In order for the SBA to become efficient politi-

cally, he wants to have agendas published with ample time before the meeting so people can have time to prepare and so the important issues will be given concern and not treated haphazardly as they were in the past.

Another plan of Gottlieb is to have a greater distribution of responsibilities among the four major offices of the SBA. By running on a ticket, Gottlieb hopes to have elected a coalition of four equal partners working together. "I have too many things that I want to see accomplished," said Gottlieb. "I want them active in the decision-making process. I want four heads working instead of one."

Gottlieb said that last year the president had the most responsibilities while the other officers had little. He plans to have the other officers actively involved such as by sharing the duty of chairing the SBA meetings.

Because Gottlieb feels there is too little money to go around, he would like to put before the law students a referendum to increase the student activity fee in the range of one to three dollars. In addition to this, he would like to see the SBA become associated with the American Bar Association and the New York Bar Association which provide grants to schools which have a certain percentage of the students as members. A third option is to have fund-raising events for the budget.

Gottlieb also would like to see the SBA concentrate its attention on its role in the whole campus. He would like to see the SBA involved in decisions affecting law students. He cites as examples the issues of whether the law school is going to have its graduates participate in a unified commencement. Another issue is how the opening of the man-

agement building in January will affect the use of classrooms in the law school.

Rob Sant is also candidate for president of the SBA. He served as Treasurer of the SBA last year and was in charge of a budget of more than \$35,000.

Sant feels that the budget is an important concern. "This year there will be a \$40,000 budget. Most of it is allocated but there is a \$5,000 carryover from last year. I know exactly where the money goes and what is involved. One of the major problems is that 70% of the students aren't getting their fair share of the money. Most of the money goes to clubs and the same people seem to be running the clubs. Although academics are important, there is room in the budget to emphasize social activities and athletics."

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Student Rights Protection Act Proposed

by Gall A. Fischer

The issue of full right to due process under the law for students is one which has seldom been adequately addressed by civic, university or student leaders. Unfairness in grading, selective enforcement of lines of policy, exploitation of students by professors for their own research and biased allocation of student activity funds are areas where abuses can occur.

Whether students have sufficient protection from the vagaries and vindictiveness of departmental rulings — or are pawns of their private academic fates — are matters of grave concern.

As social institutions become increasingly complex, they must both multiply and divide their functions to satisfy needs in various arenas. Just as teachers and professors have it in their contracts that they will be given certain legal assistance by their employer, so organizations must be created to protect students' interests. But it should not be forgotten that all organs which generate from a central institution are designed to fulfill one purpose — the perpetuation of the institutional structure as a whole.

There is little wonder that those seeking support from student councils, undergraduate and graduate student associations, their appointed ombudsmen and legal aid clinics often obtain only meager satisfaction. Such groups are primarily engaged in a struggle for their own survival, and those who comprise their staffs are subject to problems of overwork and overseeing their own limited interests. As products of political assignment, they are compromised by their position in the hierarchy of a university.

What recourse, then, does a

student have who requires airing of a personal grievance? Where can he or she pursue receipt of rights of due process guaranteed by federal or state law? Can an institution ever convince a client who has been wronged that everything is actually, was or will be, all right?

Even supposed subversive groups see their anger and excesses sanctioned by an establishment looking for some very functional "safety valve." They are by nature expressive — they let off much of the accumulated "steam" — rather than being effectively active on behalf of student issues and quality of life.

No comprehensive legislation exists which upholds the entitlement of those enrolled in academic institutions to due process under state and/or federal statutes. Because the university is more powerful than any of its sections or constituents, there is nothing to prevent it from jeopardizing the interests of those whom it was created to serve, the thousands who fill its classrooms and pay its bills.

What's more, there are numerous clauses in the by-laws of the institution which protect its property, policies and employees from the enrollees.

The issue of academic exploitation by instructors is an old and a pervasive one. Because a university is a corporation trying to get more and more money, there is the tendency for "approved harassment" of students to be sanctioned by its administration. In this case, the students are used to provide cheap labor for the institution, and because students have so much at stake, they'll often forfeit their own dignity to please the pressuring power at hand.

Too often department politics is only a microcosm for the political games played throughout the system. The well-docu-

mented case of former State University of New York at Buffalo Adjunct Professor and Department of Psychology graduate student Rabbi Morris A. Cohen demonstrates how the non-compliant enrollee can be blacklisted categorically and effectively removed (see accompanying article). Not long after his refusal to assist in research on inmates in Attica Correctional Facility which he could not in good conscience condone, a full Veterans Administration assistantship was withdrawn. With a family to support he was forced for financial reasons to give up work on a doctorate he was only two years short of having earned.

More recently, in Buffalo we've witnessed the controversy resulting from a graduate student's charges that a Roswell Park Memorial Institute scientist had fabricated the data he published in a medical journal. Evidence seems to corroborate Philip Yip's allegations that he was expelled from the SUNYAB Graduate Division at Roswell Park after going public with his information in 1981.

While greater diversity of personal style is accepted on college campuses than many places elsewhere in society, it's still true that the self-assertive individual is the focus of discrimination. The occasion for selective enforcement of policy can come as

a result of little more than a professor's negative perception of a student's commitment to a religion, his or her persona or physiognomy. A poor grade can be assigned based upon similar considerations.

A person should not lose the right to due process when he or she becomes a student at a school or a university; rather he or she should be guarded against abuses of his person (including his time and skills), property (the academic work which is produced) and from discrimination based on political and religious beliefs.

The proposal for a Students Rights Protection Act would address itself to difficulties arising in all three areas. In state colleges and universities, it would be guaranteed that funds would automatically be made available for all students to be provided with Student Legal Services Assistance. The same monies would be earmarked for payment of legal expertise coming from outside of the institution.

The law would stipulate that all students involved in suits have the right to select their own lawyers or advocates.

The Student Rights Protection Act would set the limits to which staff at an institution could exploit students for research pur-

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Moot Court Competition Commences

by Peter Scribner

The 1984 Desmond Moot Competition gets underway on Wednesday, October 3, when this year's problem will be distributed to participating teams. The competition, open to all second- and third-year students, involves both written and oral advocacy. Teams of two students are presented with an appellate level legal problem, on which they must write a twenty page brief and then defend their position in oral arguments. The briefs will be due on October 31 and oral arguments will be held the week of November 5.

Participants are rated individually on their oral argument presentation and jointly (along with their team partner) on their brief. At the conclusion of the first round of arguments (November 7) outstanding participants are invited to join the Moot Court Board, and the best teams begin a "run off" series of additional oral arguments until, by Saturday, November 10, a single winning team is designated.

Students interested in further information are invited to an Open House to be held by the Moot Court Board on Monday, September 24.

Headrick to Resign As U/B Law Dean

At a faculty meeting held on Friday, September 7, 1984, Dean Thomas E. Headrick informed the faculty of his intention to resign as of August 31, 1985. In a telephone interview, the Dean confirmed this decision but noted that he would continue to conduct the duties of his position until a replacement is found.

This news came to *The Opinion* just as this edition was going to print. The next edition of the paper will contain more information on Dean Headrick's decision to resign.

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Editorial Policy

Over the past few years, *The Opinion* has been alternately described as being either left-wing or right-wing in its editorial policy. In light of our history, the current editorial board has decided to use this space in this edition to define our purpose and basic policy.

The Opinion is the Law School's newspaper — it is produced by, funded by, and read by the student body. Our basic function is to provide the Law School with two things: 1) an accounting of events which have occurred at the school in the two weeks prior to deadline, and 2) commentaries on various subjects. The content of the paper therefore is solely dependent upon you — the students of this Law School. The only reasons for which we edit articles submitted to us is for grammar and libel (the latter which we inform the author prior to publication). No article will be edited or rejected strictly due to its political content. We encourage all students to assist us with our purpose — whether it be by writing a news article or a commentary.

An additional part of *The Opinion* has come under attack in recent years — that being the section you are reading now, the editorial. What is written in this space is representative of, and only of, the thoughts of the members of the editorial board. We will try to limit our scope of topics to issues directly referring to the Law School. It is not our intent to be confrontational or accusatorial in this space simply for the sake of being controversial. We are not out to get anyone, whether it be student, professor or administrator. Our goal is to raise issues that we view as being important to the present and future of this Law School, and hopefully to elicit some response from the members of the Law School community. We would like to see reasoned debate over the merits of the Buffalo Model and actions of the Student Bar Association, not mud-slinging and invective. Again, this is largely dependent upon you becoming involved to at least some degree in contributing to an open environment by letting the people here know what you think and why. We do not speak for you — you do.

Above all, however, we see our primary purpose as providing information to the people associated with this school. *The Opinion* has been accused in the past of being far too true to its name — that our pages are filled only with radical opinions which serve no purpose other than to provide writers with a place to mouth-off and see their names in print. Unfortunately we have to admit that this has been, to some degree, quite true (although an examination of past issues will generally show that our front pages have been devoted to news articles). We will attempt this year to devote more space to news articles. Nevertheless, this is again dependent upon you. Your contribution can consist of a written news article or even just a message to us that there is something happening which needs to be covered. We will do the best we can, if you do too.

SBA Elections

For the first time in our memory, several highly qualified people are running for SBA positions at all levels but particularly for the position of SBA President. Our only negative comment is that it will be to the students' loss that only one of the persons running for each of the highest offices will be able to represent us.

The editorial board of *The Opinion*, of course, makes no endorsement of any person for any SBA position. Nevertheless, we encourage you, the students, to find out as much as you can about the candidates and to vote. The SBA allocates your money and deals with the Law School administration for you. Quite frankly, if you don't vote, we don't want to hear from you.

Federalists Offer Alternative Forum

by Randy Donatelli

Nine unelected employees of the federal government exploit their immunity from the democratic process by deciding the fate of the most important social and political issues of the day . . . We are constantly told that Federalism is obsolete and that "civil rights" and "social justice" can be achieved only by greatly expanding the scope of the federal government at the expense of the states . . . Convinced that state legislatures are indifferent to "fundamental fairness," the federal courts use the Fourteenth Amendment to promote egalitarianism, adopting a "if we don't, who will?" approach . . . The states are no longer deemed competent to establish minimum drinking ages and regulate the speed of vehicles on their highways.

The Federalist Society for Law and Public Policy Studies is an organization of conservative and libertarian law students dedicated to studying and promoting the principles of Federalism and Judicial Restraint. The assertions above are representative of concerns we have about the constant erosion of the proper functioning of the federal system. We believe that judicial activism is support-

ing the growth of the federal government, and that this growth is stealing personal liberties away from individuals.

Founded at Yale Law School as a reaction against liberal domination of university academics, the Federalist Society has chapters at many law schools across the nation with its national office in Washington, D.C. Consistent with the Society's convictions, each chapter retains virtual autonomy over its own affairs. The Buffalo Federalist Society Chapter was established a year ago by a small group of students determined to provide an alternative organization for law students truly concerned with the preservation of the federal system.

The Federalist Society is unique in that it is an independent student group. We believe that the effectiveness of the organization would be compromised if subject to the constant scrutiny of the S.B.A. A top priority of the Society is to attract new members. We encourage all interested students to attend our next meeting, to be held Thursday, September 20, at 4:00 in the first floor student lounge. The Society's meetings always feature lively discourse on the weighty issues of the day in a relaxed, informal setting. Currently, we are planning a host of

activities for the coming months such as sponsoring debates, noted speakers, discussion panels and films of interest to all students. We also welcome further input from interested students and faculty.

The politics of the Society's members range from libertarian to what might be called neo-conservative. We pride ourselves on being free-thinkers and we tolerate and encourage the dissemination of all credible viewpoints; the Society extends an open invitation to other student groups to engage us in debate.

If you are unable to attend our September 20 meeting or would like more information about The Federalist Society, please contact Tim Jipping (box 662), Chris Bieda (box 575), Art Scinta (box 560) or Randy Donatelli (box 349).

I conclude with a passage from the Federalist Papers, a collection of essays not often found on the reading lists assigned to today's student despite 200 years of recognition as the definitive source of constitutional interpretation. James Madison, in Federalist No. 78, said: "The Courts must declare the sense of the law; and if they should be disposed to exercise WILL instead of JUDGMENT, the consequence would be the substitution of their pleasures to that of the legislative body."

SBA Urges Involvement

by Craig Atlas

Law school seems to attract people who have either been involved in student government or intend to run for President of the United States some day, or both. So you shouldn't be too disappointed to learn that the Student Bar Association (SBA) isn't a drinking club, but the law student government. All U/B law students are members of the SBA by virtue of paying a \$19.50 fee each semester and are entitled to participate in SBA activities, run for positions on the Board of Directors, and vote for officers and directors.

Just as no one really knows what the "Buffalo Model" is, when you have 800 budding constitutional scholars around, no two U/B law students seem to agree on exactly what the true function of the SBA is. The Board meets weekly to approve appointments to committees, spending of money, programs and activities, and various resolutions. All law students are welcome to come to the meetings and to speak. Notice of meetings is posted on the SBA bulletin board in the second floor mailroom, and on the door of the SBA office on the first floor of O'Brian Hall (to the right of the bathrooms).

The Board speaks on behalf of the student body by passing resolutions on matters of interest. Sometimes this can become quite controversial, e.g., last year's resolution condemning U.S. involvement in El Salvador. Many people feel that the most important thing the SBA does is to pass the annual budget, which amounts to about \$34,000 this year. Much of this money is used to fund the various student organizations which are chartered by the SBA. Information about joining these organizations is provided at orientation and shortly thereafter. Groups of ten or more law students can also start new organizations. Orientation was funded partly by the

SBA and partly by the administration (i.e., by tuition and state taxes). In addition to funding student groups, the SBA also puts on annual events such as the "Law Revue" talent show, hosts speakers, and sponsors parties.

Elections for positions on the SBA Board of Directors will be held within the next week. Each class votes for 6 directors. To run for a director position, you need to turn in a petition signed by 10% of the students in your class year. Any law student can run for the SBA office of President, Vice-President, Secretary, or Treasurer. This requires the signatures of 10% of the entire law student body. More information about the election, and petition forms, are available from the SBA.

In addition to elected positions on the Board itself, there will be a number of openings on committees. Student members of law school committees are selected through an interview and appointment procedure. Committees of the SBA itself are generally made up of any interested volunteers. You don't have to be on the Board to be on a committee. Some committees rarely meet; others are very active. For example, the fact that you are now reading this article means that the Admissions Committee decided to give your application the "thumbs-up" sign.

Your degree of involvement is up to you, of course. While relatively few people hold elected SBA positions, most law students at some time get involved with at least one of the chartered student organizations or committees. Just about everyone goes through Orientation and Commencement. It may seem a long way off, but after 3 years of "Q-ing out", they let you graduate from this place. So, whatever your opinion of the SBA may be, it's bound to affect you while you're here, and to give you something to talk about other than Bea Plaintiff or Rob Remedial.

Student Act

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poses, if at all. Tenured professionals who abuse the civil rights of their clients would be subject to the same prosecution as any other citizen.

There is no reason that academic freedom has to result in academic tyranny. Not only are many enrollees denied help through the standard instruments of student advocacy, but often through their attempts to press for rectification by private means as well.

An individual's demand to be listened to, to be practically assisted, is all too often disparaged and routinely ignored by those who hold authority in school systems, colleges and universities. And the worst aspect of the bias of schools toward self-protection and against those who fill their classes and coffers is that any challenge to their power is resisted by official silence.

A Student Rights Protection Act — designed to safeguard the well-being of our technicians, professionals and scholars of the future — will not be debated, approved by public vote and implemented any time too soon.

Editor's Note to the Readers: The preceding article was published in the Thursday, June 28, 1984 edition of The Buffalo News. It was reprinted with the permission of the author. Anyone who would be interested in composing the text of a law capturing the sentiments of the author and/or promoting the concept among student leaders at the state-wide level is encouraged by the author to do so. The author can be contacted through The Opinion.

Editor's Note to the Author: This school does happen to be fortunate enough to have an organization, Group Legal Services, which will provide legal assistance to students. However, it is limited in its funding.

Meanderings:

Cross Country Traveler Recounts Experience

by Andy H. Viets

Editors' Note: At the close of classes last semester, Andy H. Viets set off on yet another of his cross-country ventures for his adopted homeland — Santa Barbara, California. This column is the first of a two-part account of his summer's "meanderings."

May 18 — It is a dark and rainy morning. Actually, it's worse than rain. It's starting to snow. I thank whatever gods there be that I am getting the hell out of Buffalo, which even at this late date in the year remains a frozen waste land. I make my way onto Interstate 90. It rains through New York, Pennsylvania and Ohio all the way to Cleveland. On the other side of that immortal city, the sun comes out, the temperature hits ninety-five degrees, and the humidity starts draining most of the fluids out of my body. I soon hook up with Interstate 80 which will lead me to Chicago and the first of several stops at the real hotspots in this country — Crystal Lake, Illinois. This is the first of my twice a year visits to my brother and his family. I catch them on the way out to California and on the way back to New York every year. I hope that next year it will just be on the way out.

May 20 — After a couple of days with my brother, sister-in-law and nieces, I am again ready

to hit the road. It's always nice seeing them for a couple of days (especially since it's free), but I can feel paradise beckoning me forth. I am soon back on Interstate 80 heading west and transversing the great (and seemingly endless) plains of Iowa. I stop for the night at that second hotbed of the American Midwest — Council Bluffs, Iowa (don't knock it — for fourteen dollars I get a motel room with a bed, a black-and-white television, a kitchenette, and even a bathroom).

May 21 — Once again I am on the highway, this time making my way through Nebraska. A thought hits me — what better tape to put on than Springsteen's "Nebraska?" Unfortunately, though, I do not have that tape, so I have to settle for Kansas' "Point of Know Return." Geographically I am about a hundred miles off, but hey, that's rock'n'roll. At the end of the tape, just for fun, I tune the radio to an AM station to listen to the hog and soybean reports for awhile. For lunch I stop at one of the hoppingest towns in all of Nebraska — North Platte — where there is a pretty good McDonald's I know. After putting away a Big Mac and fries, I am back in the car driving along Interstate 80 which I soon exit for Interstate 76 which will take me to Denver — a legitimate city. I stop for the evening just before I hit the Rocky Mountains.

May 22 — It is morning. The mountains stand before me in all of their power and glory. This will be my third trip through this part of the Rockies in less than a year, but I think that regardless of how many times I take them on, the feeling will always be the same — wonder, ecstasy, pain, pleasure. I stop several times to get out of the car — to look around — and to say over and over again: "Oh wow, the Rocky Mountains." Other travellers stop and do the same. We soon break into a stirring rendition of "The Hills are Alive with the Sound of Music" which would make Julie Andrews proud. Driving on, however, the sensation ceases as I roll into Utah. The less said about that state the better. It has got to be one of the most

desolate, ugliest, and hottest places on the planet. After having driven through it several times now, I can definitely see why they used to use the place as a nuclear testing zone. I stop for the night at Beaver, Utah, just one more of America's dynamic metropolises. I am twenty-four hours from paradise.

May 23 — I am on Interstate 15 now, heading south through the deserts of Nevada and California. It is hot and windy, but I am getting closer and closer. My body is already beginning to feel better. My mind is clearing. My first destination in this incredibly awesome state is San Diego to see my sister, her husband, and their two kids. This cross-country venture is nearly complete.

May 27 — San Diego is nice, but my Garden of Eden is calling me. I get back in the car for one last extended period of driving. Less than five hours later, I am there. The Santa Ynez Mountains are on my right. The Pacific Ocean is to my left. Santa Barbara is directly in front of me. A sensation returns which I had not experienced since the previous January — I am once again totally laid-back and mellowed-out. I am at peace with myself and with the universe. I am "home."

Next Edition: Andy's summer sojourn in the sunshine state continues as he takes on the California legal system with the biggest and baddest law firm in all of Santa Barbara.

Buffalo Offers Cultural Sites

by Lisa M. Roy

So you have made it into one of the finest law schools in the country except it's in Buffalo, New York. At least that's what many of you are thinking as you contemplate spending nine dreary months in the blizzard capital of the northeast. Never fear boys and girls. There are lots of things to do in Buffalo and all within a law student's budget.

Get to know the city while the weather is still nice. A good way felt became President of the

to do that is by taking a walking tour of downtown. The tours begin at the Wilcox Mansion, 641 Delaware Avenue, and cover the Allentown area, Delaware Avenue, downtown, Main and North Pearl. The cost is \$2.00 and you must make an appointment by calling 884-0095.

While you are waiting to go on your tour, check out the Wilcox Mansion. Not only is Buffalo famous for snow, but the city was the Presidential inauguration site of Theodore Roosevelt. Roose-

United States in the Wilcox Mansion and the Mansion's exhibits depict the history and events of that time period. The Mansion is open Monday through Friday from 10 a.m. - 5 p.m., and weekends from noon to 5 p.m.

While on the subject of museums, Buffalo is host to many other fine exhibits. The Albright-Knox Art Gallery is world renowned for its collection of modern art. It is located at 1285 Elmwood Avenue across the street from Buffalo State and is open to the public free of charge Tuesday through Saturday, 11 a.m. - 5 p.m. and Sundays, noon to 5 p.m. The Science Museum and Historical Society also sport fine collections. The Science Museum is on Humboldt Parkway and is open daily from 10 a.m. - 5 p.m. Admission varies from \$.75 - \$1.00. The Historical Society is housed in the only remaining building left over from the Pan American Exposition. Located at 25 Nottingham Court, the museum is open Tuesday through Saturday, 10 a.m. - 5 p.m. and Sunday, noon to 5 p.m. Admission varies from \$.50 to \$1.00.

Both the Historical Society and the Art Gallery stand on the edge of Delaware Park, home to the Buffalo Zoo. The Zoo is open from 10 a.m. - 6 p.m. and offers camel and elephant rides.

Believe it or not, Buffalo is one of the only industrialized cities to have a wild life preserve within the city limits. It is called Tift Farm Nature Reserve, located at 1200 Fuhrman Boulevard. Open daily from 9 a.m. - 5 p.m., Tift Farm has many hiking trails open to nature enthusiasts and bird watchers. Tifts offers a changing array of summer and winter events such as hayrides and snowshoeing. For more information, call 896-5200.

Finally, if theater is your passion, there is still time to visit Artpark this season. Located in Lewiston, New York, on the Niagara Gorge, Artpark combines fine theater and art in a unique and sometimes spectacular fashion. Call the box office at 754-4375 or 694-8191 for a listing of evening performances. While the season ends soon at Artpark, the curtain is just about to go up in Buffalo's theatre district. September 21 is opening night and includes a three-act extravaganza attracting nearly 10,000 people. For further information contact: Dick Bezemer at 856-1290 or Ed Williams at 847-0430.

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U/B Violates Rights of Ph.D. Candidate

by Gail A. Fischer

A case has gone unresolved for years in which charges have been stated against State University of New York at Buffalo personnel for violation of laws at both state and federal levels. One-time Adjunct Professor in SUNYAB's Religious Studies Department Rabbi Morris A. Cohen was the subject of an effort to have him expelled from that school's Clinical Community Psychology Program in 1969 and also, he said, of a character assassination attempt during the later 1970s.

"Living in a society where the State provides all the lawyers to defend the faculty against the students and the students can't be defended against those who may hurt them, is frightening. A person should not lose the rights of due process when he or she becomes a student at a university," Rabbi Cohen said in a recent interview.

His problems began in the spring of 1969 when Ph.D. candidates in the Psychology Department's Clinical Community Program were given the option to write their own preliminary examinations. While several students handed in their final statement of choice past the deadline, Rabbi Cohen said his was rejected on the grounds that it was late. At the same time it was revealed to him that members of the faculty were questioning his good standing in the program. To this date he said he has never been told who those accusers were, nor has he had access to complete files documenting the criticism lodged against him.

Rabbi Cohen explained, "I had absolutely no idea who my accuser was. I never had a platform to investigate the issues from. What was dealt was an attack *ad hominem* — on me personally —

rather than an investigation of the issues."

Earlier in 1969 Rabbi Cohen had refused to cooperate with Clinical-Community Psychology Professors Edward S. Katkin and Murray Levine regarding their research on inmates at the Attica Correctional Facility. They had wanted him to contribute his expertise in the use of projective techniques to their critical study of the New York State Penal System. Rabbi Cohen, who was supporting a family of four, believed the request to be in conflict with his own interests as well as those of the men incarcerated in Attica. By challenging the motivations — professional and interpersonal — of his superiors, Rabbi Cohen jeopardized his own well-being as the recipient of a Veterans Administration Assistantship.

The controversy spread throughout the department and came to involve many others in graduate psychology study, who took the opportunity to raise student rights issues. A committee was formed by the Psychology Department Student Association and chaired by PDSA President Channing Johnson to debate the case because of the awareness that an unjustified campaign was underway to have the Rabbi ousted from the Clinical program. An accusation made against him was that he demonstrated limited commitment to psychology because his outside employment and family obligations competed for his time with graduate study. While it is true that during the first years of his attendance at the State University of New York at Buffalo Rabbi Cohen held part-time positions elsewhere, it is also true that such necessary arrangements are not unusual, and are commonly practiced by tenured faculty throughout the University.

Indeed, Rabbi Cohen had been accepted into the program with full acknowledgment that he also worked in service to the community.

An investigation led by Professor LeRoy Ford cleared Rabbi Cohen of all alleged concerns. In a letter to him dated June 19, 1969 Levine referred to Ford's findings, explaining, "There was insufficient hard data to warrant a recommendation that you be requested to leave the program." But because a stipend was no longer forthcoming, Rabbi Cohen was forced for financial reasons to withdraw from SUNYAB, thus forfeiting the Ph.D. which he was less than two years away from having earned.

The matter might have remained closed were it not for the use of the same dossier of materials — repeatedly denied to Rabbi Cohen and which Levine's own letter invalidated — to incriminate him nine years later. Employed as a school psychologist, Rabbi Cohen had been openly challenging the policies of Buffalo Public School Superintendent Eugene T. Reville as well as protesting non-receipt of back pay to which he is entitled. He stood alone in declaration of his conviction that the students of Buffalo were being routinely railroaded into programs which failed to either remediate or educate them, often administered by individuals with insufficient credentials in their appointed fields.

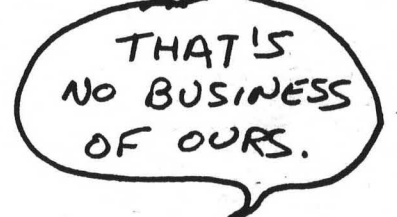
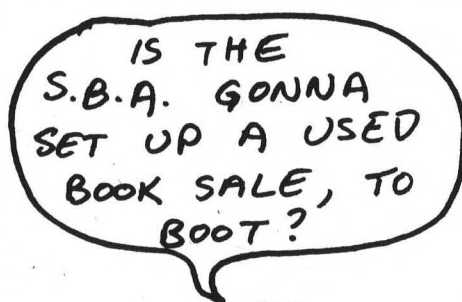
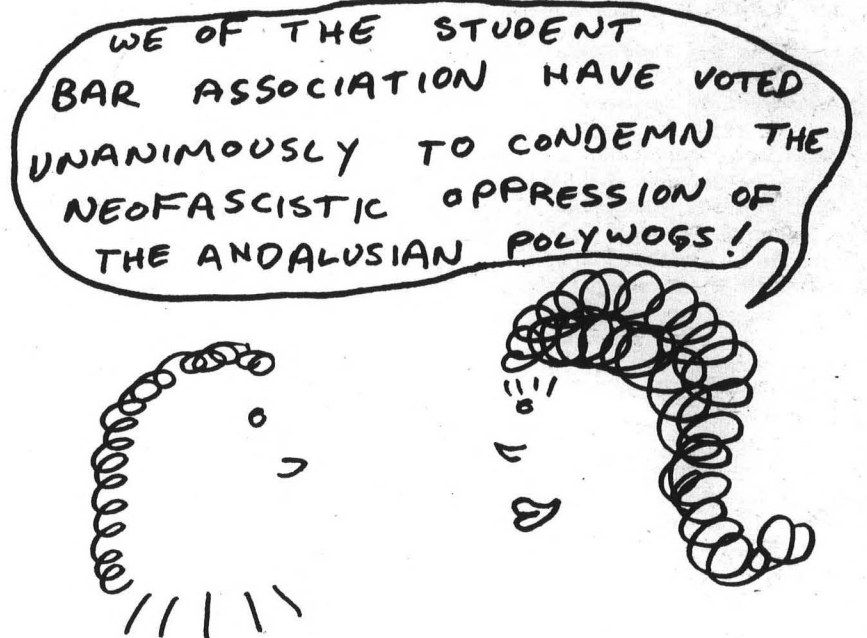
In early winter of 1977 the Buffalo Board of Education solicited Rabbi Cohen's entire file located at SUNYAB's Psychology Department to be used as evidence against him in a case involving testing of a retarded student. Levine — a consultant for the Board of Ed since the late 1960s — provided testimony which it was thought would result in the

Rabbi's termination from the Buffalo Public School System. The Board and its collaborators failed in their efforts and Cohen was completely exonerated by a panel of judges from the New York State Department of Education.

Both Levine and then Psychology Department Chairman Kenneth W. Levy had been issued subpoenas on December 8, 1977 asking that they appear with records on the former graduate student before the panel at a hearing scheduled for early December 12, a Monday. Both men sent Rabbi Cohen a copy of that subpoena on Friday the ninth — certain not to reach him or his lawyer Robert Clearfield over the weekend and in time for Monday's hearing — with identical statements of where and when they would be bringing the information.

Citing the Federal Privacy Act of 1974 in a letter to Rabbi Cohen dated March 7, 1983, SUNYAB Dean and Professor of Law Thomas E. Headrick wrote that "federal law prohibits invading privacy of any student" including "identity of whether an individual is a student." However, the record indicates that no discussion of whether to reveal the file on Rabbi Cohen within the Department was ever held. Letters sent to the defendant in 1983 from Professors Joseph Masling, Ira Cohen and Katkin all confirm that none were informed that a former student's records had been subpoenaed, also that none had given their permission for that dossier to be released.

Levine and Levy were asked to pull the personal file of a previous student and present it in a court of law as representatives of a group of individuals, the SUNYAB Department of Psychol-



FALK

Poetry Corner

... by Victor J. D'Angelo

Placement

July '85 seems a long way away,
I can't believe I'm in school before Labor Day.
I gotta get a job,
we all know that's true,
I'll have shipped out 100 resumes before
September's through.
Hey Audrey,
can you please place me,
Can you find someway
to hide my 'D'.

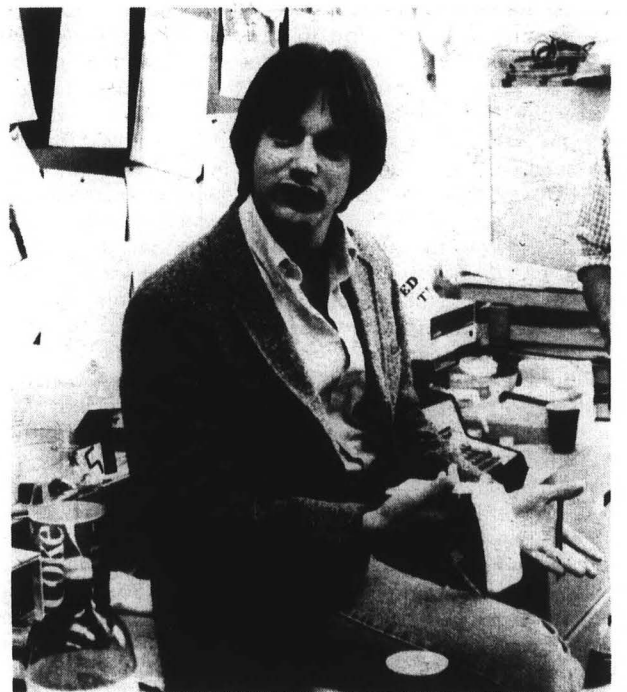
My New Locker

Those of us in the third
year class,
Finally, at long last,
got big wooden lockers.
They gave me one,
on the second floor
Not far from,
the library's secret back
door.
(The damn thing's too
small)

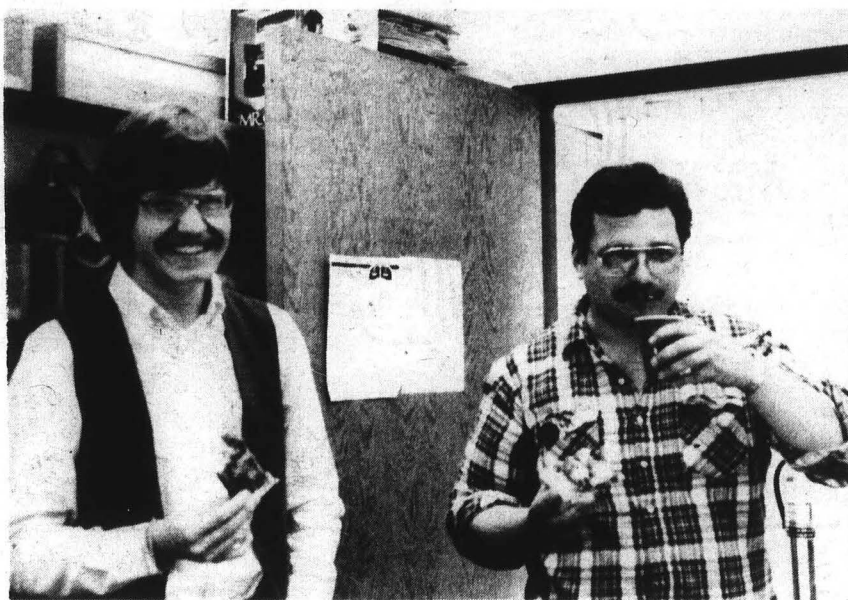
Yeah, I can't even fit,
My three ring binder in it,
imagine trying to stick in a
winter coat.
Of course, I'll keep it
though,
Cause I gotta show
I made it
to the third year.

Welcome Back

Dean Headrick, I haven't seen you,
How was your summer, What did you do?
You know they're teaching animals and the Law,
Roll over boy, give me your paw.
You know there's meters where I used to park
my car,
Now I gotta walk ten times as far.
What a wonderful way to welcome us back.

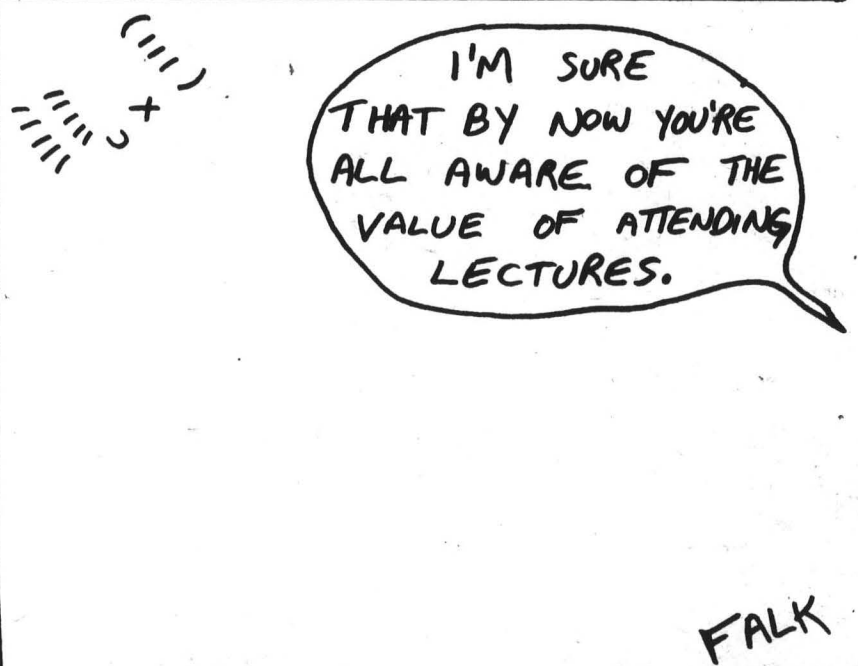
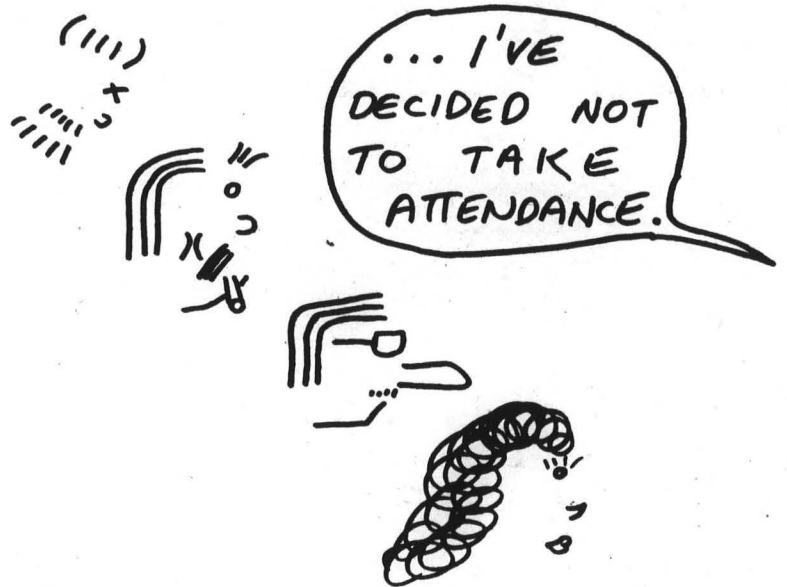
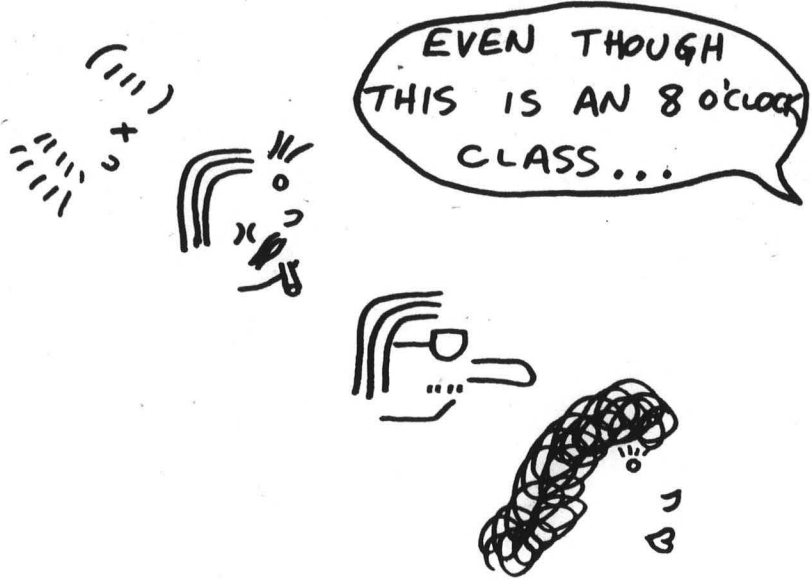


The Opinion Recruitment Party . . .



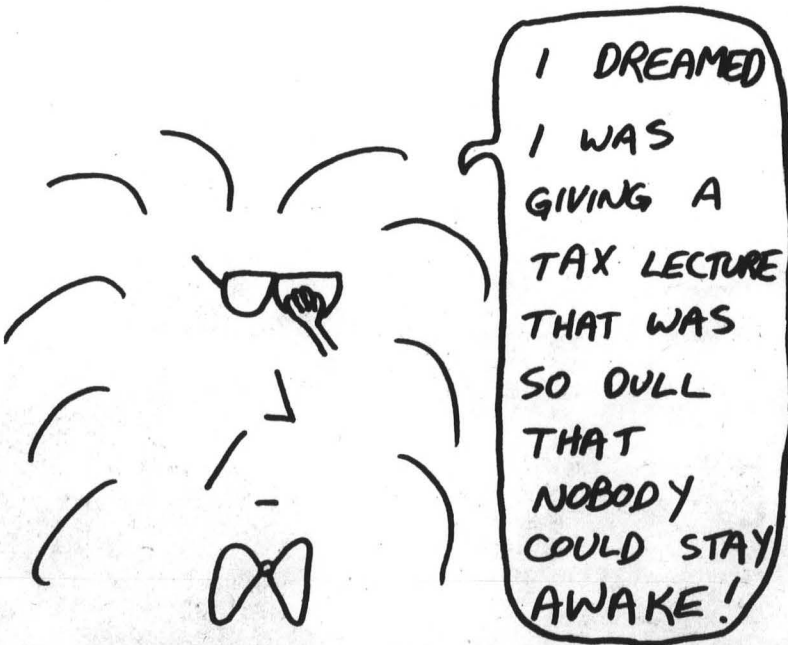
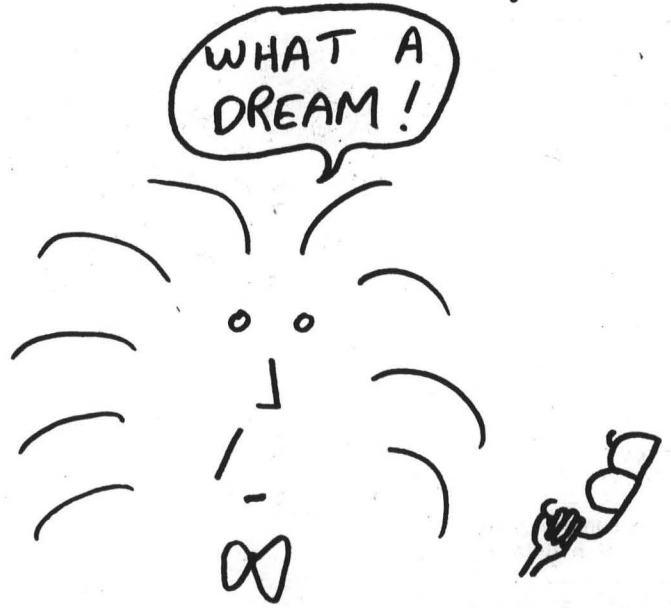
Vedge's Law

... by Cliff Falk



Vedge's Law

... by Cliff Falk



Summer Intern for D.A. Violates Model Code

by Pudge Meyer

I.

I went home this summer, home to Carson County. After three weeks of prodding by my old man, I got off the lawn chair to set up an interview with the District Attorney's Office.

I wore my old man's tie, my brother's sport jacket (in violation of CDO) and my neighbor's deck shoes. I happened to find a pair of pants and shirt of my own. I shook off the cobwebs, got dressed, and headed uptown. First thing I noticed when I walked into the office was Camille, the receptionist. And boy, was she —

Sorry, wrong story. She offered me a seat and asked if I'd like a cup of coffee. I said yes; cream, no sugar. I hate coffee.

I sat there for a while. Three cups later I was directed to a certain door. "Knock and enter" I was told. I thought that only happens at the dentist. I entered, shook hands with a man, and remained standing. Assistant District Attorney (Hereinafter A.D.A.) Clift let me stand for two minutes as he glanced over my resume. Then he too offered me a seat. As he shuffled papers I had time to study this man, this A.D.A. He had an imposing brow and a green plaid jacket.

Weird thoughts ran through my head. What if I was the only applicant? What if I got the job?

To break the ice and mend my ego, Clift started the interview by referring to my personal interests. "And just how long have you been building midget stock cars, Mr. Meyer?" I told him that, well, I've never really built one, but I hoped to get around to it real soon. He jumped to athletics. I told him yes, I play tennis very well. He said one of the A.D.A.'s plays every day. "I can beat him," I blurted out. He said that the office was looking for someone who would beat him.

We then engaged in some legal small-talk before he sent me to another door. By this time I felt I had the job, so I walked in and sat right down. I was looking at Phelps, another A.D.A., and what a mustache. He got right to it. Here was a man who at a relatively young age had mastered the art of cutting through unnecessary niceties. "Crenshaw, the other A.D.A. — Can you whup him?" "Shit yeah," was my reply. Then I remembered my old man telling me to always use the King's English. "— I mean, Shit yes." That was all he needed to hear. "You start Monday."

II.

I accepted the position on condition that I get my own air-conditioned office. I got it. I also got an advance on my salary and deposited it in the MEN'S SHOP at SEARS. It was enough to buy one shoe.

III.

Monday morning, 8:45. I walk into the office of the District Attorney himself, Mr. Jergens. A boyish face on a white rhino. Even when he jokes the plants in his office turn away.

"SO YOU'RE STEVE MEYERS," he roared. "Yes sir, that's MEYER." If the old gang could see me now, I thought to myself. Who would've believed there would come a time when someone would call me "Steve."

Mr. Jergens introduced me to the secretarial staff. They seemed nice enough; but with one exception, they were all old enough to be my older sister. I said my hello's and got right to work. I found myself assisting the prosecution on an attempted rape and assault 2nd. The A.D.A. assigned to the case: Crenshaw.

There we were in the middle of the trial. Defense counsel, a Buffalo alumnus, had finished her redirect. The Judge enquired as to re-cross. "If I may have a minute, your Honor," asked Crenshaw. He turned to me. "I have about a half hour's worth. I can do it now, or we can wait til tomorrow. What do you think?" I cleared my throat. "I would be wise to immediately attack some of the misrepresentations made by the witness, instead of letting such falsehoods sink into the minds of the jurors overnight. If you wait until tomorrow, you'll lose the impeaching effect."

"But it's already 4:40P.M. Will you be around afterwards?"

"What?"

"I figured we could play tennis when we got out of here."

"Gee — I don't know. We won't be out of here until 5:30, and then I have to change, and I have to

be home by 6:30 for dinner. . . " Crenshaw looked away as I spoke, and he stood up. "If it pleases the court, I'd ask for an adjournment at this time until the morning due to the length of re-cross examination."

To be continued . . .

C.D.O. Schedules Practice Interviews

The personal interview is an important part of the hiring process. In order to help students develop some perspective on the event and provide some interview experience and feedback, the Career Development Office will conduct a series of Practice Interview Workshops. Although it is currently limited to second and third year students, it is CDO's goal to open the Workshops to first year students.

The program will consist of small groups of students (not more than 5) who will be individually interviewed by an attorney or third-year upperclassman. Each interview will last about 5-10 minutes and be videotaped. The tape will then be played back, reviewed and discussed by the interviewer, interviewee, and other members of the small group.

The interviewers will usually be attorneys from the Buffalo area. In many cases, they are members of their office's interviewing team. Upperclassmen who will be serving as interviewers will be third-year students who have had a summer associate position and/or substantial interviewing experience.

Because we are trying to make this interview as realistic as possible we are also requiring that you provide us with a copy of your resume at the time you sign up for a slot. The resume will be given to the interviewer in advance.

Also, please come to the workshop dressed in your interview attire. After your resume, your appearance is an important factor in an employer's impression of you.

Finally, students who sign up for the Workshop must be willing to take an active part in it. Whether being the interviewee or an observer of an interview sequence, you must be willing to discuss your reactions, opinions and make recommendations.

If you would like to participate in a Practice Interview Workshop, please stop by CDO to sign up for one of the available slots. The schedule of the initial workshops is as follows:

Tuesday — Sept. 18 — 3:00 p.m.

Interviewer: Barbara Kavanaugh, Neighborhood Legal Services

Wednesday — Sept. 19 — 4:30 p.m.

Interviewer: Paul Weaver, Jaekle Fleischmann & Mugal

Tuesday — Sept. 25 — 6:00 p.m.

Interviewer: Virginia Sietz, 3d-Year Student Summer Intern, Migrant Legal Action Program, Washington, DC

The practice interviews will continue into November. Dates and times will be posted in the CDO office, Room 309, as they become available.

CDO also will continue with its One-on-One Attorney Program, which gives students a chance to meet with an attorney for a day. More information about this program will be forthcoming.

S.B.A. Candidates Sant and Gottlieb Propose Reforms

continued from page 1

As a comparison, Sant points out that the Dental School has a \$5,000 social line while the Law School, with a larger budget, has only \$1,800 in their social line. Sant feels that more students would receive a return on their activity fee if more money was allocated for things like TGIT (Thank God It's Thursday) parties.

Sant also saw a lot of abuse last year with the phones in the SBA and the copiers. "There were five computer sheets of unclaimed bills which the SBA paid for," said Sant. "There has to be greater security. Just as the phones were turned off, so were the copiers."

Sant cites some of this abuse as a result of people abusing

their privileges and not looking out for the best interest of the students. When Sant turned off the phones and copy machine, he did it with the best interest of the students at heart. He did it on principle and after a cost-benefit analysis.

Sant uses the same method when he votes. "I didn't vote to please anyone or to make political friends. I feel I am a well-versed person in school on the issues and speak for the majority of the school when I vote." For example, Sant said it was for this reason that he opposed granting the Buffalo Public Interest Law Program money so they can pay students. He offered to make it a referendum but it was refused.

Sant is also opposed to the SBA passing resolutions ex-

pressing political sentiments. "People feel they have a right to make a political statement which they deem representative of the students," he said. "I don't feel this is their prerogative. I purposely walked out of a meeting to lose a quorum so the SBA couldn't pass a political resolution."

If elected President, Sant would like to see a promotion of placement and the school's image, something he feels go hand in hand. "Locally, attorneys know U/B has a good image, but outside, attorneys think of it as a good school but not ranked as high as claimed. We have to convey that we are doing a good thing." Sant feels this can be accomplished by greater alumni contact such as utilizing alumni luncheons to their full extent and sending *The Opinion* to alumni and other schools.

Sant also would like to see the SBA get back to basics and deal less in politics. "People in the SBA last year were adverse to me because I refused to make political friends," said Sant. He cites as an example, the selection of members for the Finance Committee which he chaired. Instead of allowing all thirteen applicants to sit on the committee, the SBA felt it was necessary to limit it to eight. By doing this, Sant felt the SBA turned away students interested in getting involved, especially some first year students who may have sensed a futility in trying to participate on the SBA — their student organization.

In closing, Sant said, "The job of SBA president has great potential and I hope either candidate will exploit those possibilities."

Actions of Psychology Department Questioned

continued from page 3

ogy. Yet the two reached their decision to act in response entirely on their own. In doing so, the pair appear to have violated federal law in offering such immediate and unquestioned compliance to a State subpoena.

"The sociology of the faculty of the University requires that students should have legislated protection against this kind of arbitrary and hierarchical action on their part," Rabbi Cohen maintained. "They had their own kind of kangaroo court."

Documentation shows that Levine, who finally testified before Professor Alice Grant and the State Education Department panel on January 2, 1978 perjured himself during his appearance on that date. His statement "the faculty would have dismissed him" (although he himself wrote that there "was insufficient hard data") and similar comments support this allegation.

Rabbi Cohen said, "Here in this case is proof that institutions have connections with institutions and they can conspire together against an individual."

He has had suspicions of an administrative cover-up since. In letters sent in early February,

1984, he requested that his personal records and other pertinent documents be made accessible to two Buffalo journalists. Edward Katkin, Professor and Chairman of the Psychology Department, wrote of his discomfort "in taking responsibility for opening up your personal files to 'strangers'" in spite of Cohen's explicit desire, expressed in writing, to have those named read them. Response came from SUNYAB Vice President for University Services Robert J. Wagner on March 8, 1984 — corroborated by SUNYAB President Steven B. Sample on March 23 — determining that Cohen's "records will only be made available to you, not your agents." It must be noted here that this was the first time that Rabbi Cohen was given permission to view his own file in fifteen years of repeatedly asking to see it.

Rabbi Cohen believes because there are probably many cases similar to his, some documented and others unrecognized, it is important that a specific plan of action be advocated by student governments and organizations. He expressed a fear that "There are times when fighting for your rights in the University ends up in your being just 'dead right'."

Buffalo Law Review Names New Members

The *Buffalo Law Review* is pleased to announce its associates for the 1984-1985 school year:

Peter J. Alessandria
Margaret C. Abate
Ann M. Baker
Christopher J. Bieda
Brenda Bland
Mary Anne Bobinski
David P. Chapus
Mark Cramer
Quincy Cotton
Erian G. Hart
Karen Hassett
Cheryl L. Johnson
Joan M. Kuechle
Ross P. Lanzafame

Ruth A. Lund
Timothy G. McEvoy
Karen McMahon
Stuart Mermelstein
Ann Patterson
Kristin M. Preve
Terry M. Richman
Dianne Russell
Caroline Silk
Sheila Skojec
Martin Tyksinski
Karen Vance
Mary E. Virginia
Michael Whelan

These people were selected upon the basis of their first-year grades and evaluation of a casenote submitted after a competition last semester.

Champions Galore

by Pudge Meyer

High atop on Pudge's Ledge I look upon everyone who enters the library. The first week of school traditionally places an apprehensive look on the faces of first-year law students. But this year I noticed something different. It seemed like *all* the students had a perplexed look. I asked myself why. Then it hit me.

Pinklon Thomas is a heavy-weight champion.

I ran to the nearest mirror — talk about looks! Think about that . . . Pinklon Thomas . . . Anyone who saw his bout with Terrible Tim Whitherspoon knows of course that Pinklon did win the fight. I grant him the victory; I just can't get over the consequences.

Terrible Tim fought more like Tiny Tim. This was not the same fighter who almost beat Larry Holmes last year. In that fight his crab-like defense rendered Holmes' jab ineffective. He counter-punched effectively, and should have laid Holmes to rest in the eighth round. He lost the decision, but won respect.

Enter Pinklon Thomas. Nice man. And wouldn't it be nice if he became Champion. It makes a great story — former drug addict opts for the straight and narrow, turns his life around, and we know the rest. There's only one problem: He's a mediocre fighter.

We'll never really know what happened to Whitherspoon. He did come on in the later rounds, he might have won. But the fight was twelve rounds. A camp with any brains has its fighter train and prepare a fight plan for

twelve rounds. Sebastian Coe would be laughed out of town if he were heard to say, "Yeah, but can Carl Lewis run the mile?"

Pinklon's jab found Whitherspoon's face all night. Strange thing, considering Holmes couldn't do it. No one is going to seriously contend that Pinklon has the better jab.

Tim just didn't want to fight. He seemed very unenthusiastic. When he got the urge to throw more than one punch at a time, he occasionally landed — which suggests that had he decided to mix it up a bit more, he might have won. So much for suggestions. He didn't throw, he didn't move, he didn't defend. He stood right in front of Thomas all night. It seems like Whitherspoon took Wilfred Benitez' course on how to forget to be a fighter.

I really don't mean to knock Thomas. He earned his fight with Whitherspoon, and he beat him. Maybe we should call him the Whitherspoon Champ instead of the World Champ. I guess I just had trouble accepting Whitherspoon as champ in the first place. Only with guys like Don King can you have a fighter like Whitherspoon lose to Holmes and then become the Champion a few months later.

Thomas is a swell fellow. He really is. No lateral movement. I'm glad he got a decent payday. No foot-speed. I hope he becomes a good role model. Average hand-speed. He really is a success story. Punches with the arms instead of from the shoulder. I wish him the best of luck.

Please, Pinkton — stay away from Holmes.

The Jaeckle Center For STATE AND LOCAL GOVERNMENT LAW

The Jaeckle Center seeks to improve the quality of its involvement in state and local government issues. As part of this commitment, the Center is considering inviting state and local government leaders to meet informally with students at brown bag luncheons (12:15 p.m., Faculty Lounge, Room 545) on a regular basis this fall. Before inviting these guests, it is important that we have an indication of student interest and availability.

Kindly complete the questionnaire below and place this in the box available in the mailroom or give it to Cleo, Room 319.

QUESTIONNAIRE

- I would be likely to attend these luncheons (please circle)
biweekly monthly bimonthly not interested
- I would be interested in meeting with people involved in the following areas:
Likely to attend Unlikely to attend
N.Y. Congressional delegation (available M, F only) _____
N.Y. State Assembly (M, F only) _____
Key officials of state agencies _____
County or City Legislators _____
County Attorneys _____
City or Town Attorneys _____
City, County Dep't Heads _____
- Indicate here any *specific* subject matters of interest you would like to see as the focus of a meeting:
- Indicate here any *specific* persons you would like to have the Jaeckle Center invite:

Law School Athletes Show Superiority

by One L. Sec.II

As the Major League baseball season is coming to an end, the University's Intramural Fall Softball season is just beginning. In the law school spirit of always wanting to be represented, a group of first year students entered a team. The squad, better known as One L. Sec.II, dominated a supposedly tough undergraduate team by the score of 8-0. At the start, the One L. Sec.II team jumped out to an early 3-0

lead and maintained the lead for the rest of the game. There were some excellent defensive plays particularly from shortstop Rick Resmick, leftfielder John Formica, first baseman Tracy Harrienger, and third baseman Keith Fabi.

The team is very confident that it will reach the playoffs and win the Intramural Softball Title. "We felt that as law students there was no way we could not win the game. If we saw that we were

going to lose, we would just argue ourselves a win," stated team captain Brian Bornstein. Centerfielder Joel Schechter was a little unhappy with the team's name. However, rightfielder Will Zicki pointed out that at least it is descriptive.

Before the game started, John Wooding of the undergraduate team asked, "You guys are law students?" Law school pitcher Kevin O'Shaughnessy replied, "Yea, we're nerds."

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